



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/767,146

01/29/2004

Mark Berkeley Fitzhardinge

3955.104USC2

4625

23552

7590

08/14/2006

MERCHANT & GOULD PC

P.O. BOX 2903

MINNEAPOLIS, MN 55402-0903

EXAMINER

MITCHELL, KATHERINE W

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/767,146

Applicant(s)

FITZHARDINGE ET AL.

Examiner

Katherine W. Mitchell

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/21/2006
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,6,12,13,15-21,28-30,32-45,47-53 and 55 is/are pending in the application.
- 4a) Of the above claim(s) 28-30,32-45,47-53 and 55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2,5,12,15,17,18 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040129.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 20060727.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group 1, claims 1,2,5,6,12,13,15-21, and 24 in the reply filed on 21 June 2006 is acknowledged.

This application contains claims 28-30, 32-45, 47-53, and 55 drawn to an invention nonelected without traverse on 2 June 2006. A complete reply to this action must include cancellation of nonelected claims (37 CFR 1.144) See MPEP § 821.01.

2. This application is in condition for allowance except for the following formal matters:

### ***Specification***

3. The abstract of the disclosure is objected to because:

Applicant's abstract is over 150 words, has multiple occurrences of "means" and "said", and includes the implied phrase "Accordingly the invention resides in.." as well as other implied phrases. Correction is required. See MPEP § 608.01(b).

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

Art Unit: 3677

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The disclosure is objected to because of the following informalities:

On page 12, line 14, "provide" should be --provides-- and line 23 has an extra period after "trolley".

### ***Drawings***

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference number "48" is not in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

### ***Claim Objections***

7. Claims 2,5,15,18, and 12,17, and 21 are objected to because of the following informalities:

Claim 2 recites the limitation "the location" in line 3. There is insufficient antecedent basis for this limitation in the claim, as previous disclosures were to "the locations".

Claim 5 recites the limitation "conveyance means" in line 2. There is insufficient antecedent basis for this limitation in the claim, as previous disclosures were to "conveyance".

Claim 15 recites the limitation "said remotely controlled nozzle" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "said large items" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claims 12, 15, 17, and claim 21 recite the limitation "the {specific} vehicle". There is insufficient antecedent basis for this limitation in the claim, as previous disclosures were to "conveyance". This is easily corrected by changing the dependence to --claim 5--.

Claims 28-30, 32-45, 47-53, and 55 must be cancelled, as they are to the non-elected invention, which was non-elected without traverse.

***Allowable Subject Matter***

8. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

9. Examiner notes that Brockett USP 3164491 in view of Sigel WO 88/07645 is considered the closest prior art, and was applied in the parent case. However, Brocket

Art Unit: 3677

in view of Sigel does not teach applying the fresh lining composition onto the lining, but clearly applies the fresh lining to the pipeline surface that was exposed by the excision. Also, the limitation that "a conveyance" comprising inspection, excising, debris removal, and application means, was introduced into the pipeline requires all 4 means - inspection, excising, debris removal, and application means - to be introduced together and "said conveyance" comprising the 4 means - inspection, excising, debris removal, and application means - entails the entire conveyance moving together at each step of inspection, excising, debris removal, and application. Examiner does not believe that "in situ" added a patentable limitation, as Brocket in view of Sigel would and could be used in situ if it were advantageous to do so.

### ***Conclusion***

10. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

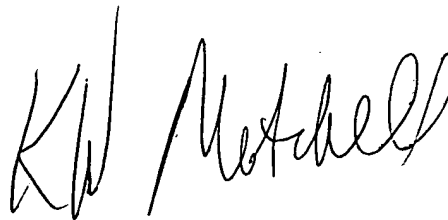
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell  
Primary Examiner  
Art Unit 3677

Kwm  
8/4/2006

A handwritten signature in black ink, appearing to read 'KW Mitchell', is written over the printed name and title.